

Date: 20071207

File: 585-02-10

Citation: 2007 PSLRB 116



*Public Service
Labour Relations Act*

Before the Chairperson
Public Service Labour Relations Board

IN THE MATTER OF
THE *PUBLIC SERVICE LABOUR RELATIONS ACT*
and a dispute affecting
the Canadian Merchant Service Guild, as bargaining agent,
and the Treasury Board, as employer,
in respect of the employees in the Ships' Officers (SO) Group.

Indexed as
Canadian Merchant Service Guild v. Treasury Board

TERMS OF REFERENCE OF THE ARBITRATION BOARD

To: Yvon Tarte, chairperson of the arbitration board;
Joe Herbert and Gray Gillespie, arbitration board members

For the Bargaining Agent: David J. Jewitt, Counsel, Canadian Merchant Service
Guild

For the Employer: Marc Thibodeau, Treasury Board

Decided on the basis of written submissions
filed on September 14 and September 27, 2007

TERMS OF REFERENCE OF THE ARBITRATION BOARD

[1] On September 14, 2007, the Canadian Merchant Service Guild requested the establishment of an arbitration board in respect of all the employees of the employer in the Ships' Officers Group and referred to section 136 of the *Public Service Labour Relations Act* (the *Act*) for so doing.

[2] Included with its request of September 14, 2007, the Canadian Merchant Service Guild provided a list of the terms and conditions of employment that it wished to have referred to the arbitration board. The terms and conditions of employment and supporting material are attached hereto as SCHEDULE I.

[3] By letter of September 27, 2007, the Treasury Board provided its position on the terms and conditions of employment that the employer wished to have referred to the arbitration board. The Treasury Board also provided a list of additional terms and conditions of employment it wished to have referred to the arbitration board. That letter and supporting material are attached hereto as SCHEDULE II.

[4] The Canadian Merchant Service Guild did not provide further comments to the Treasury Board's request for arbitration of additional matters (Form 9).

[5] Pursuant to section 45 of the *Act*, the Chairperson has authorized me, in my capacity as Vice-Chairperson, to issue the present Terms of Reference of the Arbitration Board.

[6] Accordingly, pursuant to section 144 of the *Act*, the matters in dispute on which the arbitration board shall render an arbitral award in this dispute are those set out as outstanding in SCHEDULE I and SCHEDULE II inclusive attached hereto.

[7] Should any jurisdictional question arise during the course of the hearing as to the inclusion of a matter in these terms of reference, that question must be submitted forthwith to the Chairperson of the Public Service Labour Relations Board, who is, according to the provisions of subsection 144(1) of the *Act*, the only person authorized to make such a determination.

December 07, 2007.

**Michele Pineau,
Vice-Chairperson**